

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, March 30, 2004, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson presented a resolution endorsing "CITIES THAT READ" campaign in its commitment to mobilize literacy volunteers and increase awareness of literacy needs

Chairman Wilson presented a resolution recognizing April 5-11, 2004 as "National Public Health Week"

Chairman Wilson presented a resolution commending James F. Meade on his retirement

Supervisor Norby presented a proclamation recognizing Sunny Hills High School Basketball team on their CIF Championship title

Supervisor Campbell presented a resolution to Pediatric Cancer Research Foundation proclaiming April 2004 as "Cure Children's Cancer Month"

Supervisor Campbell presented a resolution commending David Elbaum on his retirement

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II. CONSENT CALENDAR (Items 1-47)

23145 APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 24 WHICH WAS DELETED; ITEMS 13, 34, 45, 46 & 47 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEMS 32 & 43 WHICH WERE CONTINUED TO 4/20/04, 9:30 A.M.

BOARD APPOINTMENTS

1. **Supervisor Smith** - Animal Control Advisory Board - Reappoint Colleen McCammon, Seal Beach, for term ending 3/1/06

COMMENDATIONS/PROCLAMATIONS

2. **Supervisor Campbell** - Adopt resolution commending David Elbaum on his retirement
RESO: 04-078

 Supervisor Smith:
3. Adopt resolution commending George Tindall, City Manager of Garden Grove on his retirement
RESO: 04-079
4. Adopt resolutions recognizing 8 recipients for the 2004 Estrella Awards presented by Hispanic Chamber of Commerce of Orange County
RESO: 04-080 - 04-087

HEALTH CARE AGENCY

5. Approve amended agreements with The Gay and Lesbian Community Services Center of Orange County (decrease \$16,667; new total \$256,209) and A.S. Foundation/Orange County (\$16,667; new total \$224,617) for HIV Prevention services, 7/1/03 - 6/30/04 - All Districts
6. Approve amended agreement with California Family Health Council, Inc. for Integration of HIV/AIDS Prevention services, 9/1/03 - 8/31/04 (\$21,347; new total \$185,347) - All Districts
7. Approve price agreement N1000005778 with Automated Case Management System, Inc., for software maintenance support, 4/1/04 - 3/31/05 (\$76,200); renewable for one additional year - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

8. Approve sublease extension #L-1704 with State of California for office space for One-Stop Center for integrated job seeker and business services, Mission Viejo; and make California Environmental Quality Act findings - District 5
9. Approve amendment 2 to agreement M1 with Orange County Business Council for assessment study for health services regional skills alliance (\$15,000; new total \$161,374) - All Districts

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INTEGRATED WASTE MANAGEMENT DEPARTMENT

10. Approve price agreement N1000005724 with S.C. Yamamoto, Inc. for street sweeping services, IWMD Regional Landfills, 4/15/04 - 4/14/05 (\$96,000); renewable for two additional years - Districts 3 & 5
11. Approve price agreement N1000005776 with TRC Solutions, Inc. to provide landfill heavy equipment maintenance, service and repair operations study, 4/14/04 - 2/10/05 (\$119,000) - All Districts

JOHN WAYNE AIRPORT

12. Approve price agreement N1000005767 with Intratek Computer, Inc. for computer hardware maintenance and time and material services, 4/1/04 - 3/31/07 (\$60,000); renewable for two additional years (\$20,000 each year); and make California Environmental Quality Act findings - District 2
13. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 (c)(1) for Phase II structural security modifications; set review to determine continuing need for emergency action for 4/20/04, 9:30 a.m. and every 14 days thereafter - District 2 (4/5 vote) (Continued from 3/9/04, Item 46; 3/23/04, Item 10)

23145 **APPROVED AS RECOMMENDED**

ORANGE COUNTY PUBLIC LIBRARY

14. Authorize submission of grant application to and acceptance of grant award from State Department of Education for English Literacy Civics Education Program, FY 2003-2004 (\$50,000) - All Districts
15. Authorize submission of grant application to and acceptance of grant award from California State Library for California Library Literacy and English Acquisition Services Program, FY 2003-2004 (\$69,307) - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

16. Approve plans and specifications and set bid opening for 5/5/04, 2:00 p.m., for replacement of air handler #5 and upgrade of perimeter reheat coils, Public Defender Headquarters, Santa Ana; and make California Environmental Quality Act findings - District 1
17. Approve plans and specifications and set bid opening for 4/28/04, 2:00 p.m., for replacement of heating, ventilation and air conditioning controls, Hall of Administration, Santa Ana; and make California Environmental Quality Act findings - District 1
18. Approve plans and specifications and set bid opening for 5/5/04, 2:00 p.m., for replacement of lighting fixtures components and installation of lighting system controls and motion sensors, Public Defender Headquarters, Santa Ana; and make California Environmental Quality Act findings - District 1
19. Approve plans and specifications and set bid opening for 5/5/04, 2:00 p.m., for replacement of master controlled lighting system with individual lighting controls, H.G. Osborne and Brad Gates Buildings, Santa Ana; and make California Environmental Quality Act findings - District 1
20. Approve plans and specifications and set bid opening for 5/5/04, 2:00 p.m., for removal and replacement of fixed audience seating, North, West and Central Justice Centers; and make California Environmental Quality Act findings - Districts 1 & 4
21. Approve plans and specifications and set bid opening for 5/5/04, 2:00 p.m., for removal and

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replacement of five air handling units, Manchester Office Building, Orange; and make California Environmental Quality Act findings - District 3

22. Approve plans and specifications and set bid opening for 5/5/04, 2:00 p.m., for replacement of seven air handlers, Hall of Finance and Records, Santa Ana; and make California Environmental Quality Act findings - District 1
23. Approve plans and specifications and set bid opening for 4/28/04, 2:00 p.m., for construction of Red Hill Avenue sidewalk from Sierra Alta Drive to Mardick Road, Tustin area; and make California Environmental Quality Act findings - District 3
24. Approve agreement D03-047 with Santa Ana for phase-out of annual reimbursement to City for Centennial Park - District 1 (Continued from 11/4/03, Item 18; 12/9/03, Item 15; 1/27/04, Item 16; 3/9/04, Item 10)
- 23145 **DELETED**
25. Approve revised plans and specifications and set bid opening for 4/28/04, 2:00 p.m., for new public restroom building, Irvine Regional Park - District 3
26. Accept work with All American Asphalt for Santiago Canyon Road access improvements, Silverado Elementary School, project completed 8/21/03 (\$528,006.81) - District 3
27. Approve and accept easement deed from IT Construction, LLC for aircraft operations, sound, air space and avigation, Newport Beach; and make California Environmental Quality Act and other findings - District 2
28. Receive bids and award contract to Dumarc Corporation for refurbishing and maintenance of restrooms of dormitory buildings, 1, 2 & 3, Los Pinos Conservation Camp (\$321,000) - District 5
29. Approve plans and specifications and set bid opening for 5/5/04, 2:00 pm., for asbestos abatement and restroom improvements, Youth Guidance Center, Santa Ana - District 1
30. Receive bids and award contract to Griffith Company for asphalt overlay resurfacing of Irvine Boulevard from Red Hill Avenue to Ranchwood Road (\$269,256) - District 3
31. Approve plans and specifications and set bid opening for 4/28/04, 2:00 p.m., for new public restroom building, Mile Square Regional Park - District 2
32. Approve revised rates and fees to be utilized in recovering costs for Internal Services/Transportation Fleet Management division, effective 1/1/04 - All Districts
- 23145 **CONTINUED TO 4/20/04, 9:30 A.M.**

Acting as the Orange County Flood Control District:

33. Approve amendment 2 to agreement D01-147 with CH2MHill for on-call water quality enhancement project, extending term to 2/5/05; and make California Environmental Quality Act findings - District 5

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34. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 (c)(1) regarding sediment removal from San Diego Creek; set review to determine continuing need for emergency action on 4/20/04, 9:30 a.m., and every 14 days thereafter - Districts 1, 2 and 3 (4/5 vote) (Continued from 12/16/03, Item 64; 1/6/04, Item 5; 1/13/04, Item 25; 1/27/04, Item 31; 2/10/04, Item 11; 2/24/04, Item 27; 3/9/04, Item 31; 3/23/04, Item 17)
- 35124 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO CLOSE OUT EMERGENCY CONTRACT AND RETURN TO THE BOARD WITH FINAL REPORT ON IMPROVEMENTS TO CHANNEL AND CONTINUING MAINTENANCE OPERATIONS**

SOCIAL SERVICES AGENCY

35. Approve plans and specifications and set bid opening for 4/21/04, 2:00 p.m., for replacement of fire alarm system, Interim Care Facility, Orange - District 3

PUBLIC PROTECTION

District Attorney:

36. Approve price agreement N1000005734 with Decision Systems for TeleMinder Telephone Notification software, 4/1/04 - 3/31/05 (\$50,000); renewable for one additional year (\$10,000) - All Districts
37. Approve price agreement N1000005771 with ChoicePoint for electronic access services, 4/1/04 - 2/28/05 (\$39,000); renewable for two additional years - All Districts
38. Approve price agreement N1000005766 with Intratek Computer Inc. for provision of information technology professional services, 4/1/04 - 12/31/04 (\$8,000); renewable for four additional years (\$12,000 per year) - All Districts

Sheriff-Coroner:

39. Approve amended price agreement N3000003346 with TMP Worldwide Recruitment for job recruitment advertising services, extending term to 8/9/04 - All Districts
40. Approve purchase order with Thermo Electron Scientific Instruments Corporation for purchase of a Nicolet Nexus 470 FT-IR Spectrometer for replacement of forensic laboratory equipment (\$31,637) - All Districts
41. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 (c)(1) for emergency replacement of water softener system, Intake Release Center; set review to determine continuing need for emergency action for 4/20/04, 9:30 a.m., and every 14 days thereafter - District 1 (4/5 vote) (Continued from 3/16/04, Item 36)

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GENERAL ADMINISTRATION

42. **Auditor-Controller** - Authorize relief of accountability to Michael S. Carona, Sheriff-Coroner; and reimbursement to Sheriff-Coroner Department for cash loss (\$500) - All Districts

County Executive Office:

43. Approve Grand Jury recommendations tracking report - All Districts
23145 **CONTINUED TO 4/20//04, 9:30 A.M.**

44. Receive and file charitable organization actual income/expenses for 2003, and planned charitable activities for 2004 - All Districts

Registrar of Voters:

45. Receive and file certification of election results of March 2, 2004 primary election - All Districts
31245 **APPROVED AS RECOMMENDED**

46. Approve price agreement N1000005824 with Spectacular Caterers for poll worker appreciation event, 4/3/04 (\$22,000); and approve related findings - All Districts
41235 **APPROVED AS RECOMMENDED**

47. **Treasurer-Tax Collector** - Approve Orange County Water District as a participant in the Orange County Treasury; and authorize County Treasurer to execute related documents - All Districts
2 **MOTION FAILED FOR LACK OF SECOND TO NOT APPROVE ORANGE COUNTY WATER DISTRICT AS AN OUTSIDE PARTICIPANT IN THE COUNTY TREASURY**

- 41235 **APPROVED AS RECOMMENDED**
N

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 48-S66D)

HEALTH CARE AGENCY

48. Approve amended price agreement S4000000235 with University of California, Irvine-Medical Center for Phlebotomy and Laboratory Testing, extending term to 8/17/04 (\$193,893; new total \$775,573) - All Districts

21345 **APPROVED AS RECOMMENDED**

49. Approve amended agreements with multiple human service contract providers to add the Business Associates language to comply with regulatory standards for protected health information as mandated by Health Insurance Portability and Accountability Act - All Districts

31245 **APPROVED AS RECOMMENDED**

50. Receive oral update on the status of implementation of Integrated Records Information System - All Districts

12345 **RECEIVED AND FILED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

51. Approve amended agreement FF-0304-22 with California Department of Aging for Older Americans Act services (\$342,317; new total \$7,931,128) - All Districts

31245 **APPROVED AS RECOMMENDED**

52. Approve amendment 2 to master agreement with Volunteer Center Orange County for Senior Community Employment Program (\$26,129; new total \$828,328) - District 1

12345 **APPROVED AS RECOMMENDED**

53. Approve agreement with Secure Transportation Company, Inc. for implementation and administration of Fixed-Price Per Trip Senior Non Emergency Medical Transportation Program, 3/1/04 - 2/29/05 (\$700,000); and direct staff to provide Board with status report six months from start of program - All Districts

B.O. **DELETED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

54. Waive irregularities in bid submitted by CJW/MZT Joint Venture; receive bids and award contract to CJW/MZT Joint Venture for construction of lower east perimeter storm drain and access road, Olinda Alpha Landfill (\$1,544,575) - District 3

31245 **APPROVED AS RECOMMENDED**

55. Approve agreement with GeoSyntec Consultants to provide environmental engineering support services, 3-year term (\$3,300,000) - All Districts

52134 **APPROVED AS RECOMMENDED**

56. Approve agreement with Bryan A. Stirrat & Associates for construction management services, 3-year term (\$1,140,840) - District 5

52134 **APPROVED AS RECOMMENDED**

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RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

57. Approve plans and specifications and set bid opening for 4/28/04, 2:00 p.m., for Phase 1 construction of Skyline Storm Drain from Red Hill Avenue to Skyway Drive, Tustin area; and make California Environmental Quality Act findings - District 3
32145 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

58. Orange County Child Care and Development Planning Council - Approve certification that Council membership meets mandated representation categories and is reflective of ethnic, racial and geographic distribution of the population of Orange County; and authorize submission of Local Child Care and Development Planning Council's (LPC) Countywide Child Care Plan 2003-2008 to State Department of Education - All Districts
15234 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

59. **Probation** - Approve price agreement N1000005753 with GBS Cleaning Services, Inc. to provide janitorial maintenance services, Youth Guidance Center, Santa Ana, 4/1/04 - 3/31/05 (\$27,637.80); renewable for two additional years; and make California Environmental Quality Act findings - District 1
14235 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

60. Approve price agreement N1000005712 with Intratek Computer, Inc. for information technology professional services, 4/1/04 - 1/1/09 (\$659,145) - All Districts
41235 **APPROVED AS RECOMMENDED**
61. Ratify submission and execution of grant application to Governor's Office of Criminal Justice Planning for Project Safe Neighborhoods Program (\$65,000) - Districts 3 & 4
34125 **APPROVED AS RECOMMENDED**
62. Adopt resolution approving submission and execution of grant application to Governor's Office of Emergency Services for State Homeland Security Grant Program, FY 2004 (\$10,442,531); and authorize Sheriff-Coroner to execute related documents - All Districts
21345 **APPROVED AS RECOMMENDED**
RESO: 04-088
63. Approve amended price agreement N2000004960 with Computer Deductions, Inc. for software maintenance, updates and development, extending term to 11/30/04 (\$150,280; new total \$1,800,412); renewable for three additional years - All Districts
54123 **APPROVED AS AMENDED TO RETURN TO THE BOARD FOR RENEWALS**

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GENERAL ADMINISTRATION

64. **Assessor Department** - Approve request to provide administrative support staffing for State-County Property Tax Administration Grant Program (AB-589) with the State Department of Finance, 3/8/04 - 3/7/05; and amend master position control - All Districts

12345 **APPROVED AS RECOMMENDED**

County Executive Office:

65. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters

43125 **APPROVED CHAIRMAN SENDING LETTER OF SUPPORT FOR LAO TAX SHIFT PROPOSAL**

45123 **APPROVED RECOMMENDED POSITION OF OPPOSE TO AB2293**

66. Approve price agreement Y1000000831 with Computer Associates International, Inc. for Enterprise Data Management Software Licensing and Maintenance, 3/23/04 - 3/22/07 (\$245,892 per year); renewable for two additional years - All Districts (Continued from 3/23/04, Item 32)

54123 **APPROVED AS AMENDED TO RETURN TO THE BOARD FOR RENEWALS**

- S66A. **Chairman Wilson** - Adopt resolution commending Thomas A. Fuentes on his retirement as the Chairman of Republican Party of Orange County

54123 **APPROVED AS RECOMMENDED**
RESO: 04-089

- S66B. **Human Resources** - Approve changes to terms and conditions of employment for the Chief Financial Officer; adopt resolution amending Personnel and Salary Resolution and 401 (a) Plan Schedule to provide for County contribution from 3% to 6% of salary; and amend Resolution No. 85-1415 to add Chief Financial Officer to Exhibit A of the Resolution for option of a car allowance or use of a County provided car - All Districts

13245 **APPROVED AS RECOMMENDED**
N
RESO: 04-090

- S66C. **Supervisor Smith** - Adopt resolution recognizing Child Abuse Services Team on their 15th anniversary

14235 **APPROVED AS RECOMMENDED**
RESO: 04-091

- S66D. **Supervisor Norby** - Approve letter submitted by Sheriff to Orange County Fire Authority Board of Directors opposing the proposed ballot measure to modify current allocation of Proposition 172 funds

41235 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO SEND COPY OF LETTER TO ALL CITY COUNCILS, MAYORS AND CITY MANAGERS IN ORANGE COUNTY**

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IV. PUBLIC HEARINGS (Item 67)

HOUSING AND COMMUNITY SERVICES DEPARTMENT

67. **Acting as the Board of Supervisors and Orange County Housing Authority** - Public Hearing to consider approving Annual Plan, FY 2004; authorize Director or designee to execute related documents; and direct Department to submit plan to U.S. Department of Housing and Urban Development - All Districts

B.O. **CLOSED PUBLIC HEARING**

12345 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

- CS-1. **County Counsel** - Closed Session CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):

Number of Cases: One Case

HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

- CS-2. **County Executive Office** - Closed Session CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:

Agency Negotiator: Susan Paul

Employee Organizations: Association of Orange County Deputy Sheriffs, American Federation of State, County and Municipal Employees Local 2076, Orange County Attorneys Association, Orange County Employees Association, Orange County Managers Association, International Union of Operating Engineers Local 501 and Service Employees International Union Local 787

B.O. **DELETED**

- SCS3. **County Counsel** - Closed Session CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):

Name of Case: Cerner Corp., etc. v. Orange County Health Care Agency, etc., OCSC Case No. 04CC04081

B.O. **HELD, NO REPORTABLE ACTION**

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VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Larry Laven - Oral Re: Sheriff and District Attorney

Darrell Nolta - Oral Re: Newspaper coverage of beach and water quality

BOARD COMMENTS:

Supervisor Campbell - Oral Re: Status of donated defibrillator the Board received at the last meeting

Supervisor Silva - Oral Re: Status of code enforcement item returning to the Board

ADJOURNED: 1:30 P.M.

None

*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

Right Margin Notes

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order
- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

*THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors*

*DARLENE J. BLOOM
Orange County Clerk of the Board*